

## Supplementary Issued Decision

# UK Anti-Doping and Adam Hoskins

### Disciplinary Proceedings under the Anti-Doping Rules of the Welsh Rugby Union

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This is a Supplementary Issued Decision made by UK Anti-Doping Limited ('UKAD') pursuant to the Anti-Doping Rules of the Welsh Rugby Union ('WRU'). It concerns a violation of the ADR committed by Mr Adam Hoskins and is supplementary to the Issued Decision dated 19 June 2020.

The 2021 World Anti-Doping Code and the 2021 UK Anti-Doping Rules (the '2021 ADR') came into effect on 1 January 2021. Mr Hoskins applied to UKAD on 25 November 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 ADR. This Supplementary Issued Decision records UKAD's decision on that application and the applicable Consequences.

Capitalised terms used in this Decision shall have the meaning given to them in the 2021 ADR unless otherwise indicated.

### Background

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1. On 19 June 2020 UKAD issued a Decision imposing a period of Ineligibility of two years on Mr Hoskins, a rugby union player who played for Merthyr RFC, as a result of Mr Hoskins committing an Anti-Doping Rule Violation ('ADRV') pursuant to the UK Anti-Doping Rules<sup>1</sup> (the '2019 ADR').
2. Mr Hoskins committed an ADRV pursuant to Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) of the 2019 ADR. The Prohibited Substance present in his Sample was benzoylecgonine (a metabolite of cocaine).
3. On the basis of the explanation provided by Mr Hoskins for his ADRV and in light of the opinion UKAD received from Professor David Cowan OBE, former Director of the Drug Control Centre, King's College London, UKAD accepted the account given by Mr Hoskins. UKAD was satisfied that Mr Hoskins had established on the balance of probability that his ADRV was not intentional and that his ingestion of cocaine took place Out-of-Competition in a context unrelated to sport performance (applying the definition of Out-of-Competition and meaning of 'intentional' in Article 10.2.3 of the 2019 ADR).

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<sup>1</sup> UK Anti-Doping Rules, Version 2.0, in effect as from 1 October 2019.

4. Mr Hoskins' two-year period of Ineligibility was deemed to have commenced on 3 January 2020 and is to therefore expire on 2 January 2022.

#### **The 2021 World Anti-Doping Code and 2021 ADR**

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5. The 2021 World Anti-Doping Code and the 2021 ADR came into effect on 1 January 2021 (the 'Effective Date').
6. In accordance with Article 27.3 of the World Anti-Doping Code, Article 1.6.2(e) of the 2021 ADR allows an Athlete still serving a period of Ineligibility as of the Effective Date, to apply to UKAD for a reduction to their period of Ineligibility in light of a *lex mitior* in the 2021 ADR. Article 1.6.2(e) of the 2021 ADR provides:

*...Where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to UKAD before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a lex mitior in these Rules...*

7. The 2021 Prohibited List classifies cocaine as a 'Substance of Abuse'.
8. Article 10.2.4 of the 2021 ADR provides:

*Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:*

*(a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6...*

9. Out-of-Competition is defined in the 2021 ADR as:

*Any period which is not In-Competition.*

10. In-Competition is defined in the 2021 ADR as:

*The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition; provided, however, that WADA may approve, for a particular sport, an*

*alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport. Upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.*

11. Accordingly, in relation to a Substance of Abuse, a period of Ineligibility of three (3) months applies under Article 10.2.4 of the 2021 ADR, where an Athlete can establish that ingestion occurred Out-of-Competition and was unrelated to sport performance.

### **Application of the 2021 ADR to Mr Hoskins' ADRV**

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12. Mr Hoskins is still serving the two-year period of Ineligibility imposed on him by UKAD's Issued Decision dated 19 June 2020.
13. UKAD is satisfied that Mr Hoskins' ingestion of cocaine took place Out-of-Competition (as defined in the 2021 ADR) and was unrelated to sport performance.
14. In accordance with Articles 1.6.2(e) and 10.2.4 and a *lex mitior* in the 2021 ADR, UKAD therefore reduces Mr Hoskins' period of Ineligibility from two years to three (3) months.
15. Mr Hoskins' period of Ineligibility commenced on 3 January 2020. Mr Hoskins has already served a period of Ineligibility of over 11 months. Accordingly, Mr Hoskins' period of Ineligibility expires on 1 January 2021.

### **Summary**

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16. For the reasons given above, UKAD has considered Mr Hoskins' application, period of Ineligibility and issued this Supplementary Issued Decision which records that:
  - a. Mr Hoskins is still serving the period of Ineligibility imposed on him by UKAD's Issued Decision dated 19 June 2020;
  - b. Mr Hoskins applied to UKAD on 25 November 2020 to reduce his period of Ineligibility in light of a *lex mitior* in the 2021 ADR;
  - c. In accordance with Articles 1.6.2(e) and 10.2.4 of the 2021 ADR Mr Hoskins' period of Ineligibility is reduced from two years to three (3) months; and
  - d. Given that Mr Hoskins has served over 11 months of his period of Ineligibility, Mr Hoskins' period of Ineligibility expires on 1 January 2021.

17. Mr Hoskins, the WRU, World Rugby and WADA have a right to appeal against this decision or any part of it in accordance with 2021 ADR Article 13.4.
18. This Supplementary Issued Decision will be publicly announced via UKAD's website in accordance with 2021 ADR Articles 8.5.3 and 14.1.3.

**1 January 2021**